

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 20, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BOBBY CHARLES OWENS,

Defendant.

No. 2:21-CR-0029-RMP-1

ORDER DENYING
DEFENDANT'S MOTION
FOR TEMPORARY
FURLOUGH

MOTION DENIED
ECF No. 52

On July 18, 2022, the Court held a hearing to consider Defendant's Motion for Temporary Furlough. ECF No. 52. The Court appeared via video teleconference. Defendant appeared while in custody with Assistant Federal Defender Stephen Roberts. Assistant U.S. Attorney Alison Gregoire represented the United States. U.S. Probation Officer Lori Cross was also present. Defendant consented to proceed via video teleconference.

Defendant, through counsel, made factual proffers and argued for a furlough to attend his sister's memorial service and submitted that there are conditions the Court could impose that would reasonably assure Defendant's appearance as required and reasonably assure the safety of the community.

The United States joins with the United States Probation Officer in opposing Defendant's motion. The United States argued that Defendant's history is replete

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FURLOUGH - 1

1 with failures to appear for court, the proposed custodian would be unable to ensure
2 that Defendant returned to jail as required, and that the looming threat of a likely
3 twelve-year prison sentence may motivate Defendant to abscond.

4 The Court has reviewed the Pretrial Services Report (ECF No. 10);
5 Supplemental Pretrial Services Report (ECF No. 24); Defendant's Motion to for
6 Temporary Furlough (ECF No. 52); as well as the proffers and arguments of
7 counsel. The Court construes Defendant's motion as a motion for temporary
8 release pursuant to 18 U.S.C. § 3142(i). The Court finds that Defendant presents
9 both a risk of flight as well as a risk to the safety of the community and the Court
10 finds that there is not a compelling reason to temporarily release Defendant from
11 custody.

12 Defendant's criminal history includes violent offenses as well as numerous
13 failures to appear. The nature of the offense as well as Defendant's history of
14 violence suggests that Defendant presents a risk to the community. Defendant's
15 history of failures to appear coupled with a near certain sentence of twelve years
16 (based on Defendant's statement that a change of plea hearing to consider a plea
17 agreement contemplating an agreed twelve-year sentence is imminent) creates a
18 significant incentive to flee. Additionally, the Court finds that proposed
19 conditions, including the possibility of Defendant's wife acting as a third-party
20 custodian and electronic location monitoring are insufficient to overcome the
Court's concerns and fail to address the possibility that minor children as well as
other unknown individuals may be present at the services.

Accordingly, the Court also finds that the United States has established by a
preponderance of the evidence that no condition or combination of conditions will
reasonably assure Defendant's appearance at future proceedings and the United
States has established by clear and convincing evidence that no condition or
combination of conditions will reasonably assure the safety of other persons or the
community if Defendant is released.

1 As stated during the hearing, the Court leaves open the possibility of
2 reconsideration of Defendant's motion if Defendant were to retain the services of
3 off duty law enforcement officers to serve as a third-party custodian. Accordingly,
4 for the reasons stated in this Order and during the hearing,

5 **IT IS ORDERED** that Defendant's Motion for Temporary Furlough, **ECF**
6 **No. 52** is **DENIED**.

7 DATED July 19, 2022.




JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE